United Nations CTOC/COP/2018/L.4/Rev.1

Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Distr.: Limited
19 October 2018

English only

Ninth session
Vienna, 15–19 October 2018
Item 2 of the provisional agenda*
Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Austria, Chile, Colombia, Costa Rica, France, Indonesia and Italy: revised draft resolution

Establishment of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto[1]

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime,

Recalling that the United Nations Convention against Transnational Organized Crime and the Protocols thereto[2] represent the principal worldwide legal instruments to combat the scourge of transnational organized crime, which affects individuals and societies in all countries, and reaffirming their importance as the main tools available to the international community for this purpose,

Reaffirming that the purpose of the Convention and the Protocols thereto is, inter alia, to promote cooperation to prevent and combat transnational organized crime more effectively, and stressing the need to take additional concerted action to reinforce the implementation of the Convention and the Protocols thereto by States parties and to identify related technical assistance needs,

Recalling article 32 of the Convention, pursuant to which the Conference of the Parties to the United Nations Convention against Transnational Organized Crime was established to improve the capacity of States parties to combat transnational organized crime and promote and review the implementation of the Convention,

Reaffirming its decision 1/2 of 7 July 2004, in which the Conference decided to carry out the functions assigned to it in article 32 of the Convention,

* CTOC/COP/2018/1
[1] This document has not been formally edited.
[2] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

V.18-07150 (E)

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Recalling that in article 32 of the Convention it is stated that the Conference of the Parties shall agree upon mechanisms for achieving, inter alia, the objective of periodically reviewing the implementation of the Convention,

Recalling also, in that regard, its resolutions 5/1 of 22 October 2010, 5/5 of 22 October 2010, 6/1 of 19 October 2012, and 7/1 of 10 October 2014,

Recalling further its resolution 8/2 of 21 October 2016 in which it decided to continue the process of establishing the mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and to elaborate specific procedures and rules for the functioning of the mechanism for consideration and adoption by the Conference at its ninth session,

Taking note of relevant General Assembly resolutions, including resolution 72/196 of 19 December 2017, entitled "Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity", in which the Assembly welcomed with appreciation the decision of the Conference of the Parties to the Convention at its eighth session to continue the process of establishing a mechanism for the review of the implementation of the Convention and the Protocols thereto,

Recalling articles 2 and 37 of the Convention concerning, respectively, the use of terms and the relation between the Convention and the Protocols thereto, as well as the common article 1 of each Protocol thereto,

Recalling also articles 29 and 30 of the Convention, and stressing the connections between the review of the implementation of the Convention and the Protocols thereto and the technical assistance programmes provided to requesting States parties and international cooperation, with a view to combating transnational organized crime,

1. *Takes note with appreciation* of the work of the open-ended intergovernmental meeting for the purpose of defining the specific procedures and rules for the functioning of the review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto, which was convened in Vienna from 24 to 26 April 2017, from 30 October to 1 November 2017, and from 21 to 23 March 2018;

2. *Adopts*, subject to the provisions of the present resolution, the Procedures and Rules for the Functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, contained in the annex to the present resolution;[1]

3. *Decides* to launch the preparatory phase of the review process in accordance with the thematic clusters and multi-year workplan contained in tables 1 and 2 contained in the appendix to the Procedures and Rules;

4. *Takes note with appreciation* of the progress made by the working groups in the definition of the self-assessment questionnaires for the review of the implementation of the Convention and the Protocols thereto,[1] as mandated by the Conference in its resolution 8/2;

5. *Welcomes* the finalization, by the Working Group on the Smuggling of Migrants, of the self-assessment questionnaire related to the review of the Protocol

[1] On exceptional basis and without prejudice to the fulfilment of the obligations deriving from the Convention, including those under article 32, the Conference of the Parties decides that the Holy See may choose not to participate as either a State under Review or a Reviewing State in the mechanism established by the present Resolution.

against the Smuggling of Migrants by Land, Sea and Air, which will provide, once harmonized with other self-assessment questionnaires and adopted by the Conference, the basis for the review of the related Protocol;

6. *Requests* the United Nations Office on Drugs and Crime to convene, within existing resources, at least one meeting of an open-ended intergovernmental expert group, for the purpose of finalizing and harmonizing, as necessary, the self-assessment questionnaires and preparing the guidelines for conducting the country review and a blueprint for the lists of observations and for the summaries, referred to in the annex to the present resolution. The outcome of the work of the open-ended intergovernmental expert group will be submitted for consideration by the Conference at its tenth regular session.

7. *Invites* the President of the Conference of the Parties, with the support of the Bureau, to facilitate the work of the open-ended intergovernmental expert group through informal consultations and requests the Secretariat to support this process, including by preparing the draft of the guidelines and of the blueprints, for consideration by the open-ended intergovernmental expert group.

8. *Requests* the Secretariat, in close consultation with and reflecting inputs from States Parties, including via a test phase, to further develop the knowledge management portal known as Sharing Electronic Resources and Laws on Crime in accordance with the Procedures and Rules contained in the annex to the present Resolution, and to present it to the Conference for consideration at its tenth regular session;

9. *Stresses* the importance of ensuring under future budget cycles the efficient, continued and impartial functioning of the Mechanism, in accordance with the provisions of the Procedures and Rules contained in the annex to the present Resolution and decides to consider taking appropriate measures including, if necessary, to request Secretary-General to take appropriate actions.

10. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes set out in the present resolution, in accordance with the rules and procedures of the United Nations and with the annexed procedures and rules for the functioning of the mechanism, including paragraph 54.

Annex

Procedures and Rules for the Functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Preamble

1. Pursuant to article 4, paragraph 1[4], and article 32, paragraphs 3 and 4, of the United Nations Convention against Transnational Organized Crime, together with articles 2 and 37 of the Convention and common article 1 of each Protocol thereto and recalling its resolution 8/2, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime establishes the following mechanism to review implementation of the Convention and the Protocols thereto (hereinafter referred to as "the Mechanism").

I. Introduction

2. The Mechanism embodies a review process for the Convention and Protocols thereto that shall be guided by the principles and characteristics contained in section II below and be carried out in accordance with the provisions contained in section V. The Mechanism shall be facilitated by a secretariat as set out in section VI.

3. The procedures and rules are tailored to address the unique aspects of the United Nations Convention against Transnational Organized Crime and its Protocols thereto, and are without prejudice to the procedures and rules of any other United Nations instrument.

II. Guiding principles and characteristics of the Mechanism

4. The Mechanism shall:

(a) Be transparent, efficient, non-intrusive, inclusive and impartial;

(b) Not produce any form of ranking;

(c) Provide opportunities to share good practices and challenges;

(d) Assist States parties in the effective implementation of the Convention and, where applicable, the Protocols thereto;

(e) Take into account a balanced geographical approach;

(f) Be non-adversarial and non-punitive and promote universal adherence to the Convention and its Protocols;

(g) Base its work on clear, established guidelines for the compilation, production and dissemination of information, including addressing issues of confidentiality and the submission of the outcome to the Conference, which is the competent body to take action on such an outcome;

[4] Which provides that States Parties shall carry out their obligations under the United Nations Convention against Transnational Organized Crime in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

(h) Identify, at the earliest possible stage, difficulties encountered by States parties in the fulfilment of their obligations under the Convention and its Protocols, as applicable, and good practices adopted in efforts by States parties to implement the Convention and, where applicable, the Protocols thereto;

(i) Be of a technical nature and promote constructive collaboration, inter alia, on issues concerning international cooperation, prevention, protection of witnesses and assistance and protection for victims;

(j) Complement existing relevant international and regional review mechanisms so that the Conference may, as appropriate, cooperate with those mechanisms and avoid duplication of efforts;

(k) Be an intergovernmental process;

(l) Be conducted in conformity with article 4 of the Convention, not serve as an instrument for interfering in the domestic affairs of States parties and be conducted in a non-political and non-selective manner and respect the principle of equality and sovereignty of States parties;

(m) Promote the implementation of the Convention and its Protocols by States parties, as applicable, as well as cooperation among States parties;

(n) Provide opportunities to exchange views, ideas and good practices, thus contributing to strengthening cooperation among States parties in preventing and fighting transnational organized crime;

(o) Take into account the levels of development of States parties, as well as the diversity of judicial, legal, political, economic and social systems and differences in legal traditions;

(p) Endeavour to adopt a progressive and comprehensive approach, given that the review of implementation of the Convention is an ongoing and gradual process.

III. Efficiency of the Mechanism

5. The Mechanism shall be cost-effective, concise and user-friendly; and make optimal and efficient use of existing information, tools, resources and technology so that it would not impose undue burdens upon States parties, their central authorities, other relevant authorities and experts involved in the review process.

IV. Relationship of the Mechanism with the Conference of the Parties

6. The review of implementation of the Convention and the Protocols thereto and the Mechanism shall be under the authority of the Conference, in accordance with article 32 of the Convention.

7. Without prejudice to the guiding principles and characteristics of the mechanism contained in Section II, the Conference may conduct an evaluation of the organization, functioning, funding, and performance of the review process, so as to amend and improve the existing Mechanism at any time.

V. Review process

A. Goals

8. Consistent with the Convention, in particular article 32, the review process, inter alia, shall assist the Conference to:

(a) Promote the purposes of the Convention and the Protocols thereto, as set out in article 1 of the Convention and article 2 of each of the Protocols;

(b) Improve the capacity of States parties to prevent and combat transnational organized crime and to promote and review the implementation of the Convention and the Protocols thereto;

(c) Help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance upon their request;

(d) Gather information on national legislation, successes, good practices and challenges of States parties in implementing and using the Convention and the Protocols thereto, and to promote and facilitate the exchange of this information;

(e) Promote international cooperation as stipulated in the Convention and the Protocols thereto;

(f) Acquire the necessary knowledge of the measures taken by States parties in implementing the Convention and the difficulties encountered by them in doing so through information provided through the gathering process described in section V.C of the present procedures and rules.

B. Review process

9. The Mechanism shall be applicable to all States parties to the Convention and to each of the Protocols they are parties to. It shall progressively address all the articles of the Convention and the Protocols thereto. It shall be structured on thematic clusters of articles based on their subject matter, as indicated in table 1 contained the appendix. The review shall be a gradual process consisting of one preparatory phase (years 1 and 2) and four subsequent review phases (years 3–12).

10. For each group of States parties as set forth in paragraph 17, the advancement to the next review phase is conditional upon the completion of 70 per cent of the reviews foreseen at the beginning of the previous phase, unless the Conference decides otherwise.

11. For each group of States parties as set forth in paragraph 17, the implementation of the Convention and the Protocols thereto must be reviewed under the same thematic cluster at the same time.

12. The review process shall be composed of a general review that will be undertaken in the Plenary of the Conference of the Parties, and of country reviews that will be conducted through desk reviews. The Conference and its working groups shall add the matter to their agendas as an item consistent with their areas of expertise and without prejudice to their respective existing mandates. Taking into consideration the progressive nature of the review set forth in paragraph 9, the content of the agendas and scheduling of the meetings of the working groups will be decided by the Conference or the extended Bureau in a timely manner. In order to ensure that the working groups may contribute to the review mechanism while also carrying out their

respective existing mandates, each working group should dedicate no more than one agenda item per session to matters pertaining to the functioning of the review process.

13. Country reviews will identify best practices, gaps and challenges in the implementation of the provisions under review, suggestions and, when necessary, technical assistance needs. In accordance with paragraph 43, discussions pertaining to country reviews will be undertaken in the relevant working groups.

14. The general review held in the Plenary of the Conference of State Parties shall facilitate the exchange of experiences, lessons learned, best practices and challenges in implementing the Convention and Protocols and the identification of technical assistance needs, with a view to improving their effective implementation and promoting international cooperation. It will be facilitated by general reports referred to in paragraph 19 of the present Procedures and Rules.

15. The preparatory phase (years 1 and 2) shall be devoted to the definition of organizational matters, including the preparation of the guidelines for conducting the country review and the blueprint for the list of observations and summaries, and the finalization, in accordance with paragraph 19 of the present procedures and rules, of the self-assessment questionnaire for each of the instruments. This preparatory phase shall also be used to ensure the optimal and efficient use of existing information, tools, resources and technology as part of the review process. The four review phases shall be held from year 3 to year 12. For each group of States parties as set forth in paragraph 17, they shall last two years each. The four review phases shall be conducted and concluded in line with the multi-year workplan contained in table 2 contained in the appendix.

16. The Conference may decide to make amendments to the multi-year workplan if doing so is deemed appropriate in the light of the efficient functioning of the Mechanism. The relevant working groups may recommend to the Conference adjustments to the multi-year workplan.

17. The selection of States parties participating in the country reviews shall be carried out by the drawing of lots at the beginning of the review process, staggered in three consecutive years. Each year one third of the States parties to the Convention will be selected to be reviewed for all the instruments they are parties to, in accordance with paragraphs 28 and 29 of the present procedures and rules. If possible, the number of States parties from each regional group to be selected for review in a given year shall be proportionate to the size of that regional group.

18. Each State party shall appoint a focal point to coordinate its participation in the review, and make this information available on the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC). In case a State party has not appointed a focal point by the time of the drawing of the lots referred to in paragraph 28, all communications will be submitted to its permanent representative who shall act as temporary focal point.

C. Information-gathering

19. In order to review each thematic cluster of articles of the Convention and Protocols thereto, short, precise and focused self-assessment questionnaires for the review of implementation of each instrument shall be finalized during the preparatory phase. Provisions of the Convention that apply to the Protocols, mutatis mutandis, will be reviewed under the Convention only. In responding to the questionnaires, States parties are invited to provide complete, up-to-date, accurate and timely information in one of the working languages of the Mechanism, in accordance with Section VII. The responses to the questionnaires and the lists of observations

indicated in paragraph 38, when available, shall be the basis for a general report of trends, patterns and best practices to be prepared – or updated as appropriate - by the Secretariat for consideration by the Conference at its regular sessions. The responses to the questionnaires shall be the basis for the country review, without prejudice to information or clarification requested by the reviewing States parties and provided by the State party under review.

20. Each State party under review shall provide the responses to the self-assessment questionnaire to the reviewing States parties through the secure module of SHERLOC established in line with paragraph 21. Upon request, the Secretariat shall facilitate the States parties uploading information including by assisting them with e-training, instructions, advice, credentials.

21. The self-assessment questionnaire shall be available on SHERLOC. A new secure module shall be developed as a further component of SHERLOC to host the questionnaires and responses thereto, which shall ensure the full confidentiality of all data submitted by States parties. The module shall include a secure written communications platform for the ensuing dialogue between the State party under review and the reviewing States parties, and archive capabilities.

22 When responding to the self-assessment questionnaires, States parties may also refer to information provided in the context of other relevant review mechanisms of instruments to which they are Parties. States parties shall bear in mind that any update since previous submissions of information under other review mechanisms are appropriately reflected in the responses. In particular, when reviewing the same legislation for obligations which are identical or similar to those under the United Nations Convention against Corruption, a State Party under review may refer to responses and additional documentation that it has submitted under the review mechanism of the United Nations Convention against Corruption.

23 The State party under review is encouraged to prepare its responses to the self-assessment questionnaire through broad consultations at the national level with all relevant stakeholders, including, where appropriate, the private sector, individuals and groups outside the public sector, non-governmental organizations and academia, taking into consideration the specificities of the Convention and the Protocols thereto.

24 The Secretariat shall be responsible for optimising and maintaining SHERLOC to serve as the user-friendly database for collecting and disseminating information on the review mechanism.

D. Conduct of the country review

25 The country review shall consist of a single review for each State party of its implementation of the Convention and of each Protocol it is party to. It shall be conducted in phases, with each phase beginning with the completion by the State party under review of the relevant sections of the self-assessment questionnaire on its implementation of each instrument to which it is a party.

26 The responses to the self-assessment questionnaire and any additional information provided by the State party under Review, including reference to relevant legislation, shall be reviewed by two other States that are parties to the relevant instruments, with the active involvement of the State party under review. State Parties under review are also encouraged to provide to SHERLOC any other reference materials that may contribute to a better understanding of their legal framework.

27 Each State party shall, for the purposes of the review, designate at least one governmental expert with expertise relevant to the instruments it is party to and make this information available on SHERLOC.

28 At the beginning of the review process, a joint intersessional meeting of the working groups without interpretation shall draw lots to select as reviewing States one State from the regional group of the State party under review and one State from another regional group. The reviewing States shall serve as such for the duration of the review process for each State party under review through four subsequent review phases. The method for drawing of lots will be based on the following criteria:

(a) States shall not undertake mutual reviews;

(b) For each instrument, a State Party under review shall not be reviewed by States which are not parties to the same instrument; in case a drawn reviewing State is not party to all the instruments to which the State under review is Party, an additional drawing of lots shall be carried out so as to select an additional reviewing State only for those instruments;

(c) The total number of reviewing States for all instruments shall not exceed four, unless the State under review decides otherwise;

(d) State party under review and the reviewing States may request a maximum of four times each that the drawing of lots be repeated, including but not limited to, for the purpose of facilitating the selection of a mutual working language for the conduct of the country review or to facilitate the participation of at least one reviewing State from similar legal systems;

(e) In exceptional circumstances, State Parties may request a redraw;

(f) If needed, the drawing of the lots may be repeated at a subsequent intersessional meeting.

29 By the end of the review process, each State party must have undergone its own review and performed a minimum of one review and a maximum of three reviews. On a voluntary basis, States parties may participate as reviewing State party in more than three reviews.

30 If a reviewing State party is unable to carry out its duties as a reviewer, in accordance with the guiding principles of the mechanism, the State party under review shall request a consultation with the related reviewing State party and the Secretariat with a view to addressing the concern. In case the State parties fail to resolve the issue through the consultation, the State party under review may request a redrawing of lots at any time. The redrawing of lots shall be held in any working group meeting and in accordance with provisions of paragraph 28.

31 The State party under review shall undertake consultations with the reviewing States parties, through their focal points, with the assistance of the Secretariat, on the establishment of timeframes and the requirements of the country review, in accordance with the guidelines for conducting the country reviews, including the selection of the working language or languages, in accordance with section VII of the present procedures and rules.

32 Governmental experts from the reviewing States parties with expertise to the relevant instrument may divide tasks and issues among themselves, taking into account their respective fields of competence.

33 The Secretariat shall provide administrative support to facilitate the establishment of lines of communication among the governmental experts involved in the country review upon request, in order to ensure that they can make best use of the secure written communication platform developed under SHERLOC and referred to in paragraph 21. The Secretariat shall be kept abreast of all communications made through SHERLOC.

34 Within a reasonable timeframe, to be mutually agreed by the parties involved, not exceeding six months, the State party under review shall provide the responses to the self-assessment questionnaires to the reviewing States parties through the secure module of SHERLOC.

35 Within a reasonable timeframe, not exceeding six months, of the receipt of the responses to the self-assessment questionnaires from the State party under review, the reviewing States parties shall submit to the State party under review written feedback on the measures taken in the implementation of the Convention and the relevant Protocols, as well as on successes and challenges of such implementation. The feedback may also contain, where necessary, requests for clarification or additional information, or supplementary questions to which the State party under review is encouraged to respond. A constructive dialogue between the State party under review and the reviewing States parties shall be guided by the principles and characteristics set forth in Section II as well as the provisions set forth in Section III, and shall be archived in the designated confidential module in SHERLOC.

36 While SHERLOC represents the primary platform of communication, as described in sections V.C and V.D of the present procedures and rules, States parties participating in a review may use other available technological tools, such as virtual networks, conference calls and videoconferences as part of their constructive dialogue. State parties are encouraged to take advantage of regularly scheduled meetings of the Conference of the Parties and its working groups to further the direct dialogue. Relevant information on such dialogues may be uploaded on the sections of SHERLOC dedicated to the ensuing dialogue between the State party under review and the reviewing States parties, in order to keep record of the process.

37 The reviewing States parties, their governmental experts involved in the review and the Secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review. On a voluntary basis, parties under review may request the Secretariat to use information provided during their reviews to populate the public elements of SHERLOC.

E. Outcome of the country review

38 At the final stage of each review phase for each State party, the reviewing States, in close cooperation and coordination with the State party under review, and with the assistance of the Secretariat, shall prepare a list of observations indicating any gaps and challenges in the implementation of the provisions under review, best practices, suggestions and any technical assistance needs identified to improve implementation of the Conventions and its Protocols. Such lists shall follow the blueprint format referred to in para 15, be precise and concise, and be based on the responses to the self-assessment questionnaire and ensuing dialogue. This document shall be made available to the working groups as a conference room paper, unless, in exceptional circumstances, the State Party under review decides to keep some parts of the list confidential. At the end of each phase, a summary of the lists of observations, not exceeding 1,500 words and based on the same blueprint, shall be translated into the six official languages of the United Nations and be made available to the Conference and its working groups.

39 The list of observations, gaps, challenges, best practices, suggestions and, when necessary, technical assistance needs and the summaries shall be finalized upon agreement between the reviewing States Parties and the State Party under review.

40 In order to improve and strengthen cooperation and learning among States parties, the responses to the self-assessment questionnaires submitted after the adoption of this review mechanism shall be made accessible to all State parties on the

secure module of SHERLOC. The State under review may also decide to make available the ensuing dialogue mentioned in paragraph 21 and additional documentation pertaining to its review.

41 A State party may decide to make public the responses to its self-assessment questionnaire, ensuing dialogue and additional documentation, or part thereof, including through SHERLOC.

42 After the submission of the responses to the questionnaires a State party under review may, on a voluntary basis, share its good practices and experiences with regard to the exercise of completing the questionnaires.

F. Follow-up procedures

43 The working groups of the Conference shall draw upon the lists of observations mentioned in paragraph 38 in preparing their sessions, and take them into account when proposing generally applicable recommendations to the Conference.

44 The working group of Government Experts on Technical Assistance shall consider the technical assistance needs identified during the review process and make recommendations to the Conference of the Parties on how to assist States parties in their efforts to implement the Convention and the Protocols. As appropriate, States parties shall also provide information to the working group on whether technical assistance needs identified in relation to their review reports have been addressed.

45 As a follow-up to its review, a State party may request technical assistance based on the specific needs identified in the review process with a view to improve the capacity of the State party to effectively implement the Convention and the Protocols thereto. The Secretariat shall endeavour to seek voluntary contributions for these purposes, in accordance with the rules and procedures of the United Nations.

46 As a follow-up to its review each State party is encouraged to share with the Conference and relevant working groups information on progress achieved in connection with the lists mentioned in paragraph 38 and on any measures planned or undertaken. Additionally, each State Party may wish to upload information on progress achieved onto SHERLOC. At the end of the review the Conference of the State Parties may consider further means to report on progress achieved.

VI. Secretariat

47 The Secretariat of the Conference shall be the Secretariat of the Mechanism. The tasks performed by the Secretariat are those indicated in the present procedures and rules.

48 In addition to its tasks provided in paragraph 47, if necessary, the Secretariat may also, upon request and within existing resources of the mechanism, provide support and assistance to State Parties in the conduct of this mechanism in accordance with the relevant rules and procedures of the United Nations. The tasks envisioned shall not produce an undue burden on the Secretariat, or replace tasks that are meant to be carried out by States Parties.

VII. Languages

49 The working languages of the Mechanism shall be Arabic, Chinese, English, French, Russian and Spanish.

50 The Country review process may be conducted in any one or two of the working languages of the Mechanism that may be decided upon by the State Party under review and the reviewing States Parties. In exceptional circumstances, the review process may be conducted in three working languages. The Secretariat shall be responsible for providing the required translation as necessary for the efficient functioning of the Mechanism. The States Parties are encouraged to conduct the review in only one of the working languages of the mechanism.

51 State Parties may provide for assistance to other States Parties that need translation into languages other than the six working languages of the review mechanism through monetary or in kind contributions. Particular attention should be given to requests from least developed countries and developing countries.

VIII. Participation of signatories to the Convention or any of the Protocols in the Mechanism

52 A State signatory to the Convention or any of the Protocols may participate in the Mechanism as a State under review on a voluntary basis. The costs associated with such participation shall be paid from available voluntary contributions.

IX. Signatories, Non-signatories, entities, intergovernmental organizations and non-governmental organizations and the Mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

53 In order to promote fruitful engagement with relevant stakeholders, including NGOs, and in accordance with article 32, paragraph 3 (c) of the Convention, the working groups shall have a constructive dialogue on the review process with relevant stakeholders, including NGOs:

(a) As a regular practice, constructive dialogues will be convened with relevant stakeholders following the conclusion of the sessions of the working groups and the adoption of the reports. The constructive dialogue shall be conducted by the chair of the Working Group, assisted by the Secretariat. A panel with representatives of relevant stakeholders, including NGOs, may be arranged with the assistance of the UNODC. The UNODC shall also endeavour to encourage a wide participation and facilitate balanced geographical representation of the NGOs in these constructive dialogues;

(b) No specific country situation shall be mentioned during the constructive dialogues except that a country under review may voluntarily raise matters related solely to its own review;

(c) The constructive dialogue shall be open also to State parties and signatories, non-signatories, entities, inter-governmental organizations;

(d) NGOs wishing to attend the constructive dialogue shall confirm their attendance no later than fifteen days prior to the date of the dialogue, at which time they will be allowed to provide comments in writing. A list of such applicants will be circulated to states parties no later than ten days before the constructive dialogue. If there is any objection to the participation of a non-governmental organization, the matter will be referred to the Bureau of the Conference;

(e) Other relevant stakeholders, including representatives of the private sector and academia, may also apply to participate, provided applications are submitted at least fifteen days before the constructive dialogue, at which time they will be allowed to provide comments in writing. A list of such applicants will be circulated to states parties no later than ten days prior to the constructive dialogue, and the requests should be approved provided that no state party objects.;

(f) The Chair of the Working Group may decide not to convene the constructive dialogue if insufficient applications are received by the deadlines set out in sub-paragraphs d) and e);

(g) The Secretariat will prepare a programme for the constructive dialogue and background papers to facilitate the engagement among participants;

(h) Written Chair's Summaries of the discussions will be prepared by the Chair and made available to the Working Groups at their next sessions;

(i) Such constructive dialogues will allow to brief participants on the development and outcomes of the review process, as well as to collect inputs and suggestions from participants, including their contributions on ways to improve the implementation of the Convention and the Protocols thereto;

(j) Participants are encouraged to take advantage of the constructive dialogues to provide information on their relevant activities, including those related to meeting technical assistance needs.

X. Funding

54 The requirements of the Mechanism and its Secretariat shall be funded, in its entirety, from the existing resources of the regular budget allocated to the Conference of Parties to the United Nations Convention against Transnational Organized Crime and Protocols thereto, and where necessary, additional costs shall be funded by extrabudgetary resources, including voluntary contributions without conditions that would impact the impartiality of the mechanism, to be channelled through a dedicated account to be developed by the Secretariat, in accordance with the rules and procedures of the United Nations.

Appendix

Organization of the review of the implementation of the Convention and the Protocols thereto

Table 1
Clusters of articles of the Convention and the Protocols thereto for the purpose of the review of implementation

Legal instrument	*Cluster on criminalization and jurisdiction*	*Cluster on prevention, technical assistance, protection measures and other measures*	*Cluster on law enforcement and the judicial system*	*Cluster on international cooperation, mutual legal assistance and confiscation*
Organized Crime Convention	Articles 2, 5, 6, 8, 9, 10, 15 and 23[a]	Articles 24, 25, 29, 30 and 31	Articles 7, 11, 19, 20, 22, 26, 27 and 28	Articles 12, 13, 14, 16, 17, 18 and 21
Trafficking in Persons Protocol	Articles 3 and 5	Articles 6, 7 and 9	Articles 11, 12 and 13	Articles 8 and 10
Smuggling of Migrants Protocol	Articles 3, 5 and 6	Articles 8, 9, 14, 15 and 16	Articles 11, 12 and 13	Articles 7, 10 and 18
Firearms Protocol	Articles 3, 5 and 8	Articles 7, 9, 10, 11, 14 and 15		Articles 6, 12 and 13

[a] The review of articles 8 and 9 of the Convention is only for those States parties to the Organized Crime Convention that are not party to the United Nations Convention against Corruption.

Table 2
Multi-year workplan for the functioning of the mechanism

Year	*Organized Crime Convention working groups*[a]	*Working Group on Trafficking in Persons*	*Working Group on the Smuggling of Migrants*	*Working Group on Firearms*
I-II	Definition of organizational matters and questionnaire	Definition of organizational matters and questionnaire	Definition of organizational matters and questionnaire	Definition of organizational matters and questionnaire
III-VI	Criminalization	Criminalization	Criminalization	Criminalization
	International cooperation, mutual legal assistance and confiscation	International cooperation, mutual legal assistance and confiscation	International cooperation, mutual legal assistance and confiscation	International cooperation, mutual legal assistance and confiscation
VII-X	Law enforcement and judicial system	Law enforcement and judicial system	Law enforcement and judicial system	Law enforcement and judicial system
	Prevention, assistance, protection measures and other measures	Prevention, assistance, protection measures and other measures	Prevention, assistance, protection measures and other measures	Prevention, assistance, protection measures and other measures

[a] The Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance.